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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,922	12/19/2001	Dong-Jun Sin	678-728 (P9744)	5554
28249	7590	03/11/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	
DATE MAILED: 03/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/024,922	Applicant(s) SIN, DONG-JUN	
	Examiner Sheila B. Smith	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer et al. (U.S. Patent Number 5,946,629) in view of Shirai (U.S. Patent Number 6,104,924).

Regarding claim 1, Sawyer et al. discloses all the claimed invention as set fourth in the instant application, in addition Sawyer et al. discloses a cellular telephone network having short message service interaction with other networks, further Sawyer et al. discloses forwarding an SMS (Short Message Service) message in a mobile communication system having at least one MSC (18)(Mobile Switching Center) for providing communication services to a plurality of mobile terminals, and at least one MC (22)(Message Center) interconnecting with the MSC for providing an SMS (which reads on column 3 lines 13- 34), comprising the steps of: requesting transmission of an SMS message from a calling mobile terminal to the MC (which reads on column 3 lines 31- 34); transmitting the SMS message to the called mobile terminal if it is determined that the forwarding function is not set (which reads on column 3 lines 35- 45); however, Sawyer et al. fails to disclose determining whether a forwarding function is set for a called mobile terminal in the MC; and transmitting the SMS message to a destination mobile terminal if it is determined that the forwarding function is set.

In the same field of endeavor, Shirai discloses a virtual terminal protocol using text messaging. Shirai further discloses the determining whether a forwarding function is set for a called mobile terminal in the MC (which reads on “the mobile station corresponding to a call forwarding operation in which the user of the mobile station selects one of the options displayed in the "call forward" top menu” as disclosed in column 3 lines 23-26); and transmitting the SMS message to a destination mobile terminal if it is determined that the forwarding function is set as disclosed in paragraph (which reads on column 2 lines 11-16).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Sawyer by specifically providing for determining whether a forwarding function is set for a called mobile terminal in the MC; and transmitting the SMS message to a destination mobile terminal if it is determined that the forwarding function is set as taught by Shirai for the purpose of forwarding received short messages to other devices or addresses.

Regarding claim 2, Sawyer et al. in view of Shirai discloses everything claimed, as applied above (see claim 1) additionally, Sawyer et al. discloses the requesting step comprises the steps of: requesting subscriber information of the called mobile terminal from an HLR (Home Location Register); searching for the subscriber information of the called mobile terminal in the HLR; and transmitting from the HLR to the MC the subscriber information of the destination terminal if it is determined that the forwarding function is set for the called mobile terminal (which reads on column 3 lines 26- 45).

Regarding claim 3, Sawyer et al. discloses everything claimed, as applied above (see claim 1) additionally, Sawyer et al. discloses forwarding an SMS (Short Message Service) message in a mobile communication system having at least one MSC (Mobile Switching Center) for providing communication services to a plurality of mobile terminals, and at least one MC (Message Center) interconnecting with the MSC for providing an SMS, comprising the steps of: requesting transmission of an SMS message from a calling mobile terminal to a called MC via a calling MSC (which reads on column 3 lines 31- 34); checking the subscriber information of a called mobile terminal in the called MC and requesting transmission of the SMS message from the MC (which reads on column 5 lines 1- 10); searching for the subscriber information of the called mobile terminal (which reads on column 3 lines 47- 56); requesting transmission of the SMS message from the called MC to a destination MC (which reads on column 4 lines 3- 10); and checking the subscriber information of a destination mobile terminal in the destination MC and transmitting the SMS message from the destination MC to the destination mobile terminal (which reads on column 5 lines 1- 10), however, Sawyer et al. fails to disclose determining whether a forwarding function is set for a called mobile terminal in the MC; and transmitting the SMS message to a destination mobile terminal if it is determined that the forwarding function is set.

In the same field of endeavor, Shirai discloses a cellular telephone with SMS message forwarding. Shirai further discloses the determining whether a forwarding function is set for a called mobile terminal in the MC (which reads on “the mobile station corresponding to a call forwarding operation in which the user of the mobile station selects one of the options displayed in the “call forward” top menu” as disclosed in column 3 lines 23-26); and transmitting the SMS

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message to a destination mobile terminal if it is determined that the forwarding function is set (which reads on column 2 lines 11-16).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Sawyer by specifically providing for determining whether a forwarding function is set for a called mobile terminal in the MC; and transmitting the SMS message to a destination mobile terminal if it is determined that the forwarding function is set as taught by Shirai for the purpose of forwarding received short messages to other devices or addresses.

Allowable Subject Matter

2. Claim 4 is allowed.

3. The following is an examiner's statement of reasons for allowance:

Regarding claim 4, The prior art of record considered alone or in combination neither anticipates nor renders obvious (a) converting the SMS message to a voice message and requesting establishment of a path to the destination terminal from the PSTN exchange; (b) and transmitting the converted voice message to the destination terminal after the PSTN establishes the path; (c) voice conversion server interconnecting with the PSTN exchange; and (d) determined that the forwarding function is set and a destination terminal is a PSTN phone.

The prior art of record provided numerous teachings of forwarding SMS messages. However, the prior art of record failed to specifically disclose establishment of a path to the destination terminal from the PSTN exchange; (b) and transmitting the converted voice message to the destination terminal after the PSTN establishes the path; (c) voice conversion server interconnecting with the PSTN exchange.

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Response to Arguments

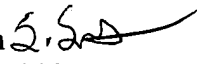
3. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

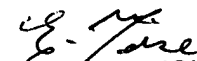
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
March 7, 2005


EMMANUEL L. MOISE
PRIMARY EXAMINER